

4470. Misbranding of "Dr. DeWitt's Eclectic Cure." U. S. * * * v. 24 Dozen Bottles of "Dr. DeWitt's Eclectic Cure." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6532. I. S. No. 1875-k. S. No. E-265.)

On May 13, 1915, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 dozen bottles, more or less, of a drug known as "Dr. DeWitt's Eclectic Cure," remaining unsold in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped on April 14, 1913, and transported from the State of Maryland into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: (On carton) "Dr. DeWitt's Eclectic Cure (Trade Mark Registered.) Each fluid ounce contains Alcohol 75%, Ether 25 min. Opium 1 grain. An internal and external remedy for Cholera, Cholera Morbus, Diarrhoea, Dyspepsia, Rheumatism, Neuralgia, Toothache, Headache, Sore Throat, Diphtheria, Croup, Pains in the Breast and Side, Sprains and Bruises, Frosted Feet, Difficult Breathing. Palpitation of the Heart, Scarlet Fever, Chills and Fevers, Cold Chills &c. The W. J. Parker Co. 7 S. Howard St. Proprietors. Baltimore, Md. Price, 25 cts. The greatest cholera remedy in the world. New style package. Adopted Jan. 1st, 1897. None Genuine unless signed The W. J. Parker Co. Serial Number 3789 Guaranteed under the Food and Drugs Act, June 30, 1906. For Internal Use. For Cholera, give from a half to one teaspoonful diluted, every twenty minutes until the patient perspires freely. This should be done as soon as the Diarrhoea, or first symptoms make their appearance. For ordinary Diarrhoea, Cholera Morbus or Cramp Colic, take half a teaspoonful diluted, and repeat if necessary. For External Use. For Neuralgia, Rheumatism and Pains generally, rub the parts affected well three or four times a day and take from half to one teaspoonful three or four times per day. For bruises, sprains or frosted feet, bathe the parts affected well with the cure frequently. Dr. DeWitt's Eclectic Cure (Trade Mark Registered) Each fluid ounce contains Alcohol 75% Ether 25 min—Opium 1 grain. Ein innerliches und äusserliches Heilmittel Für Cholera, Brechruhr, Dyspepsie, Diarrhöe, Rheumatismus, Neuralgie, Zahnweh, Kopfweh, Halsweh, Diphtherie, Croup, Schmerzen in der Brust und Seite, Verrenkungen und Quetschungen, Erfrorene Füße, Beschwerliches Athmen, Herzklopfen, Scharlach-Fieber, Kaltes Fieber &c. The W. J. Parker Co. 7 S. Howard St. Proprietors. Baltimore, Md. Price 25 cts." (On bottle) "Dr. DeWitt's Eclectic Cure. Each fluid ounce contains Alcohol 75 pr. ct. Ether—25 Min. Opium—1 Gr. 10 Drs. or over. Guaranteed by The W. J. Parker Co. Under Food and Drugs Act, June 30, 1906. Serial No. 3789. Directions. For all cases requiring an internal use of the Cure, give from one-half to one teaspoonful every 2 or 3 hours diluted with water, a little sugar may be added if required. For cases requiring an External application, rub the parts affected vigorously with a piece of flannel saturated with the Cure, and take from a half to one teaspoonful as above if necessary. The W. J. Parker Co. Prps. Baltimore, Md." (Blown in bottle) "Dr. DeWitt's Eclectic Cure W. J. Parker & Co. Baltimore Md."

Misbranding of the article was alleged in the libel for the reason that the bottles, and cartons or envelopes, containing the bottles, contained a statement regarding the curative or therapeutic effect of the article which was false and fraudulent, that is to say, said labels on the bottles, and cartons or packages, contained a statement that the contents of the bottles was "An internal and external remedy for cholera, * * * dyspepsia, * * * rheumatism, neuralgia, diphtheria, croup, * * * frosted feet, difficult breathing, pal-

pitiation of the heart, scarlet fever * * *," whereas, said labels contained on the cartons and bearing said statements with reference to the curative or therapeutic effect of the article were false and fraudulent in that the article contained no substance or combination of substances capable of producing the therapeutic effect claimed in said statement above set forth. Misbranding was alleged for the further reason that the label on each of the bottles contained a statement that "Each fluid ounce contains Alcohol 75%. Ether 25 min. Opium 1 grain," whereas, in truth and in fact, each fluid ounce of the article contained less than 75 per cent alcohol, to wit: 60 per cent alcohol by volume, and contained 1.3 per cent [grains] of opium per fluid ounce.

On September 23, 1915, W. J. Parker & Co., Baltimore, Md., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$100 in conformity with section 10 of the act, one of the conditions of the bond being that if the product be sold or disposed of in any form or manner, the branding thereof should correctly describe the same.

C. F. MARVIN, *Acting Secretary of Agriculture.*